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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/797,746	03/08/2004	Yung Ming Tsai	AAG63	3395

7590 02/07/2005
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EXAMINER

SCHULTERBRANDT, KOFI A

ART UNIT	PAPER NUMBER
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3632

DATE MAILED: 02/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/797,746

Applicant(s)

TSAI ET AL.

Examiner

Kofi A. Schulerbrandt

Art Unit

3632

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

This first Office Action is in response to Applicant's originally filed Application received in the Office on March 8, 2004 in this case.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-4, 11 and 15 are rejected under 35 U.S.C. 102(b) as being anticipated by Matsuoka et al. (5,749,556); Figure 2. Matsuoka et al. teach each feature of the claimed invention as shown and discussed below including a plate (61a). Matsuoka et al. teach a casing ((61a); Figure 2, including (87b) and (87e) of Figure 3), a housing ((70) including (87f)), a detecting device ((87e); Figure 3), an interacting member ((87f); Figure 3), means for rotating ((75), (75a) and (82)) and a plate (61). Regarding claim 1, (87e) and (87f) prevent the casing and housing from being over rotated relative to teach other when, for example, the display encounter's a piece of furniture. Regarding claim 2, Matsuoka et al. teach an inner rack (75) and a gear (87) received in the casing. Regarding claim 4, ((86b); Figure 2) is a reduction gear. Regarding claim 11, Matsuoka et al. teach a peripheral flange (61) extending in its direction of thickness, a circular bar (72) (See Col. 1, Ins. 37-40, teaching the casing and the housing engaging one

another). Regarding claim 15, Matsuoka et al. teach a remote control (See Col. 2, Ins. 18-21).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

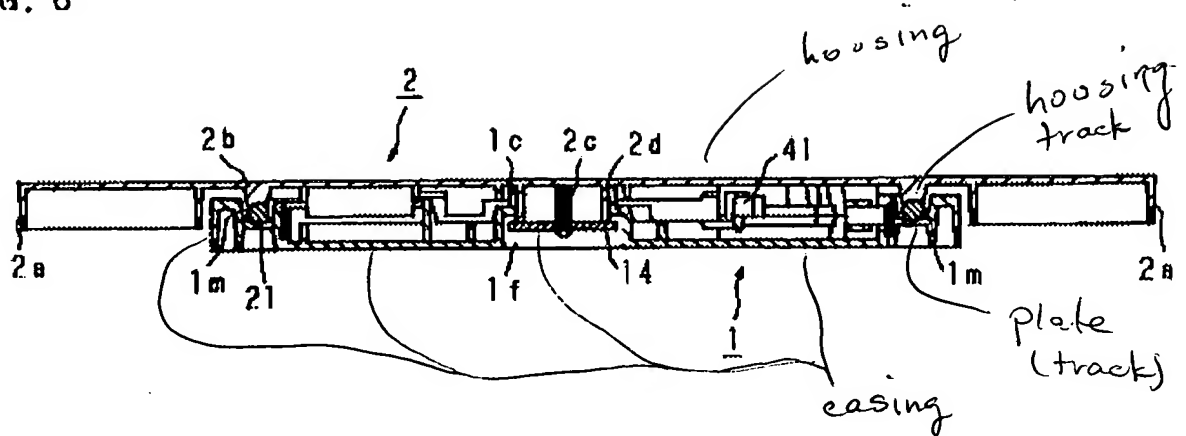
(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 5, 6, 10, 12, 14 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Matsuoka et al. (5,749,556), Figure 2, in view of Matsuoka et al. (5,749,566), Figure 6. Matsuoka et al. Figure 2 teach, substantially, each feature of the claimed invention except a control circuit coupled between the motor and a switch detecting device, nor does it teach a plurality of ball bearings between the plate and the housing. Matsuoka et al. (Figure 6) however, teach a system for detecting a position of the case relative to the housing and stopping the motor when a certain position is detected (See col. 11, ln. 37 to col. 12, ln. 9). The system has a detection means (41a and 41b) and a motor (32). The system inherently sends signals between the detection means 41 and the motor 32 via a circuit. It would have been obvious to one of ordinary skill in the art at the time of invention to have modified Matsuoka et al.'s Figure 2 to have a means for detection and stopping the motor as taught by Matsuoka et al. in order to prevent rotation that would cause collision of the display with other objects. Regarding claim 6, Matsuoka et al., Figure 2 does not teach a plurality of ball bearings

but does teach a bearing (61c) between the plate (61a) and the housing (70, 74). It would have been obvious to one of ordinary skill in the art at the time of invention to have modified the Figure 2 interface between the (61c) and (74) to include a plurality of ball bearings in order to allow the housing and casing to move more smoothly relative to each other as taught by the Matsuoka et al.'s Figure 5 embodiment. Regarding claim 12, Matsuoka et al. clearly teaches a detecting device (41a) having a mechanical lever that interacts with the interacting member (8a; Figure 25) to send a mechanical signal to the electrical part of the switch in order for the switch to send an electrical signal to the motor power supply (See col.11, ln. 63). Regarding claims 14 and 16, Matsuoka et al. teach a switch detecting device (41a) and a second detecting device (41b).

Claim 1 and 6-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Matsuoka et al. (5,749,556), Figure 6. Matsuoka et al. teach, substantially, each feature of the claimed invention. Matsuoka et al. teach a housing (2; Figure 6), a casing (1), a detecting device (41), means for rotating (32), an interacting member (8), a plurality of balls (21), a plate (the portion of (1) immediately below the balls), a ring (22; Figure 12). Regarding claim 10, Matsuoka et al. teaches a cavity (61d) and an axle (90). Matsuoka et al. do not teach that the detecting device (41) is on the housing and the interacting device (8) is on the casing. It would have been obvious to one of ordinary skill in the art at the time of invention to have modified Matsuoka et al. to switch the detecting member to be on the casing and the interacting member to be on the housing as the casing and housing rotate relative to each other and both parts could be obviously switched and the system work equivalently.

FIG. 6



Allowable Subject Matter

Claim 13 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Reasons for Indicating Allowable Subject Matter

The following is a statement of reasons for the indication of allowable subject matter: Regarding claim 13, the prior art of record does not teach in combination with the other features of claim 12, a rotatable carrier wherein the interacting member of the housing is arranged to be engaged between the signal emitting device and the signal receiving device of the detecting device to selectively block signals emitted from the signal emitting device and to prevent the signals from being emitted to the signal receiving device of the detecting device.

Prior Pertinent Art


The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. U.S. Patent No. '990 to Egawa, ;806 to Crosson; and '290 to Skoretz each teach rotatable supports.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kofi A. Schulterbrandt whose telephone number is (703) 306-0096. The examiner can normally be reached on Monday - Friday, 8:00 a.m. - 5:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Leslie A. Braun can be reached on (703) 308-2156. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Kofi Schulterbrandt
January 31, 2005

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